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Examiner Namitha Pillai
Art Unit 2173

REMARKS

This is in response to the Office Action in the re-opened prosecution of this application following reversal by the Board of Patent Appeal of the final rejection of the claims. Favorable reconsideration of the patentability of the claims of this application is respectfully requested.

The present invention is in the broadest sense quite simple. It is the novel use of an internet web browser as the program by which a greeting card or other document can be selected, edited and assembled for printing, thus by-passing the need for conventional "desktop publishing" programs. See Background of the Invention. The invention enables a web browser to do this by downloading a "plug-in program" to the web browser which then launches the program. The program includes an engine and assembly component for selection and editing of assets of the printed product including design elements and asset information for display, editing and printing assembly, including scaling and resizing, for printing greeting cards or other documents. This is not the same as a program which accesses a separate image processing program, remotely or locally, in order to modify an image component of a card. The invention lies in the combination of the web browser and the plug-in program which works with the web browser. The prior art does not teach or suggest this combination which is clearly defined by the claims.

To reiterate, the invention is the use of an internet web browser program (as opposed to using a dedicated desktop publishing program such as Print Shop) to create (e.g., edit and modify) and print a greeting card. What enables the web browser to be used for editing and printing of a greeting card design is a plug-in program which is detected and downloaded by the web browser. The plug-in program extends the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program. The plug-in program is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds the editing and print assembly features to the web browser. See page 7, lines 9-15. One function of the engine component of the plug-in is to make selected assets (such as design elements defined by the defining data for a greeting card) available in the browser so that they can be edited by the user. See page 9, lines 23-25. Thus, the desired assets are selected by the uses from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not

modify the assets selected from server. The assets that are downloaded and modified by the user remain in their original form on the server for others to download and modify to suit their needs.

This concept, of using an internet web browser such as Microsoft Internet Explorer or Netscape Navigator as an editing and printing program is not taught or suggested by the prior art, particularly as it is applied to the selection, editing and printing of greeting cards. One striking fact which supports this conclusion is that none of the cited references teach or suggest the modification of a web browser by use of a plug-in program. The closest reference to this, Leone, suggests the use of an applet as an image processing program. As further explained below, this does not make obvious the claim limitations of first program downloaded to a web browser for modification and printing of a card.

Claims 1-5 and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,311,214 B1 (Rhoads), U.S. Patent No. 6,494,571 (Finkel) and U.S. Patent No. 6,704,120 B1 (Leone III et al., "Leone"). This rejection is a combination of disparate disclosures which do not teach or suggest the proposed combination to arrive at claimed invention as claimed.

The Rhoads Patent

The Rhoads patent merely discloses encoded greeting cards which, when read by an image capture device of a computer, prompts the display of a corresponding web page or other computerized presentation. See Rhoads, col. 1, lines 49-52:

> "The centerpiece of the invention is that an object or paper product so-scanned contains digital information that can be quickly read and acted upon by an appropriately configured device, computer or appliance."

And see, Rhoads at col. 10, lines 10-29:

> "In accordance with a further embodiment of the invention, greeting cards and the like are encoded (e.g., by texturing, printing, etc.) with Bedoop data. On receivng such a card, a recipient holds it in front of the image capture device on a laptop or other computer. The computer responds by displaying an internet web page that has a stock- or customized-presentation (image, video, audio-video, etc.) to complement that presented on the greeting card."

This has nothing whatsoever to do with printing a greeting card by use of a downloaded program and a web browser. As acknowledged by the Examiner, Rhoads does not teach or suggest a first program and defining data which is downloaded from a server to client for printing a card.

The Finkel Patent

The Finkel patent describes a printing method and program wherein the user can set the actual print area of the image to be printed to be larger than the primary printable areas, and to extend beyond perforations in the print paper to achieve edge-to-edge printing. More specifically, the Finkel patent is concerned with having the print area extend beyond perforations and to one edge of the "printing medium" (i.e., paper) so that there are only three perforation lines, as shown in FIGS. 6-9. See Finkel, col. 6, lines 47-60,

> "To achieve this result, the user can set the actual print area of the image to be larger than the primary printable area using the application program."

As acknowledged by the Examiner, the Finkel patent does not teach or suggest the downloading of any program or defining data for printing. The Finkel patent teaches only, "...a personal computer 131, including a central processing unit, loaded with an operating system program and an application program such as MICROSOFT WORD, ...". Finkel, col. 6, lines 38-40. Significantly, there is no suggestion by Finkel to combine the concept of setting the print area to extend over perforation lines in the print paper with any other programs, program modifications or downloads from other computers or servers. Without such suggestion, the only rationale for any reference to Finkel, or combining Finkel with Rhoads, is from Applicant's invention. Also, Finkel does not teach downloading of any defining data other than the print area parameters, so there is no teaching at all of any editing functions enabled by a program which is downloaded and launched by a web browser.

The Leone Patent

The third combined patent, Leone, discloses a data template for a personalized printed product incorporating image processing operations. Col. 8, lines 61-63. Specifically, Leone is concerned with image processing in the form of imaging utilities which can be accessed and used to modify a scanned image so that a modified image can be included in the data template for a greeting card to be printed.

See Leone, col. 1, FIELD OF THE INVENTION; col. 2, lines 8-15; col. 3, lines 13-16:

> "automating the utilities that provide these image modifications would allow their use by an unskilled operator in preparing a greeting card, invitation, or similar type of personalized printed product."

And see, Leone, col. 4, lines 8-12:

> "...providing a flexible set of imaging utilities for automated enhancement of personalized printed product, where the set of imaging utilities can be regularly updated and available to customers in preparing printed products."; and col. 4, lines 38-42: "a new personalized printed product to be introduced that uses an image processing operation that is not available with the original software application itself."

In Leone, a software application 60 runs on a personal computer to generate a personalized printed product (i.e. greeting card), and which associates each product or card design with a product template from a product template database. Leone, col. 6, lines 6-14. The application 60 has the ability to extend or augment itself based on the needs of specific products, and specifically for product templates which include an image processing operation for a scanned image. The application 60 does this by accessing an image processing program 80 to be under the control of application 60. Leone, col. 6, lines 32-40. This type of program augmentation, which occurs during the execution of a main program, is referred to as "reflection" by those skilled in the Java programming language. Leone describes the use of XML or Java for page definition languages and standard to define a product template for data presentation. See Leone, col. 1, lines 38-65 and col. 8, lines 35-54. Using XML as the preferred embodiment of the product data, Leone describes three different methods for the inclusion of code related to the special image processing. This is not the same as or equivalent to the claimed program of the present invention.

Leone describes as an alternative embodiment, at col. 8, lines 49-54:

> "A downloaded Java class that serves as image processing program 80 could optionally be embodied as an applet. This would allow application 60 to operate within a Web browser, offering the advantage of widespread access to imaging and printing capabilities for internet users."

But downloading of an image processing program is not the same as the claimed "first program" and "plug-in program" which include modification functions for modifying the defining data and

assembly functions for assembling a printed product for printing. Those functions are performed by Leone's application 60 which as described runs on the client computer. See Leone, FIG. 2 and col. 6, lines 6-8.[1]

Furthermore, the portion of the Leone patent which describes the applet embodiment is technically incorrect because the interrelationship between the application 60 and the image processing program 80 is reversed. If application 60 were to be written as an applet to operate within a Web browser, then the image processing program 80 could be also embodied as an applet. As described, application 60 is clearly the controlling client-resident program, so that the implementation options of the image processing program 80 are dependent upon application 60. In Leone, col. 8, lines 49-54, this description is reversed.

In addition to this fundamental error, the teaching of Leone is incomplete and therefore non-enabling, even for one skilled in the art (of Java programming). Those skilled in the art would know that the Java application 60 could be invoked equally as well from a browser as from a command line. As an example, if application 60 resided on a web server, a sample command to start it might be: "http://webserver.com/program60.jar". In this case, the web browser serves no function other than a means to invoke application 60, and application 60 would run with no interaction with the browser (i.e., it would not be executed in the *sandbox*). Leone does not provide this description. Further, Leone does not teach how program 80, if developed as an applet, can be invoked and communicate with application 60 when application 60 is not an applet. Also, because applets execute in the sandbox, they are prohibited from access (read or write) to the client's local disk. It is apparent to one skilled in the art that if application 60 and program 80 are applets, then the embodiment described at column 6, lines 22-24, with the templates database stored locally, is not an option. The privacy restrictions of the sandbox restrict this. Leone does not teach that the network or remote host options must be used.

The present claims are patentably distinct over Leone on this point by the language:

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[1] A Java applet is computer code written in the Java programming language. Java applets can run in a web browser using a Java virtual machine (JVM), or in Sun's AppletViewer, a stand alone tool to test applets. Applets are used to provide interactive features to web applications that cannot be provided by HTML. They are executed in a *sandbox* by most web browsers, preventing them from accessing local data. The code of the applet is downloaded from a web server and the browser either embeds the applet into a web page or opens a new window showing the applet's user interface." (http://en.wikipedia.org/wiki/Java_applet).

> "a client computer for accessing said server, wherein said at least one server downloads said first program and said defining data to said client computer; ...". Claim 1.

Leone does not teach or suggest that the application 60 can be downloaded, and in fact consistently teaches the opposite. See Leone, col. 6, lines 6-8 and 40-43;

> "It should be noted that image processing program 80 need not be on a separate host computer, but could alternately be locally stored on the same computer that hosts application 60."

This teaches away from the invention as claimed wherein the "first program" or "plug-in program" are stored on and downloaded from a server, and which retrieve the product-defining data – enable modification of the data – and assemble the product for printing, is downloaded from a server. See Applicant's claims 1, 14, 22 and 27.

Further, the "first" or "plug-in" programs as claimed differ from an applet in several respects, including:

1. access via a web browser provides a way for the programs to register themselves and remain permanent on the client computer;
2. the programs do not have the same security restrictions of an applet and have access to a local disk; providing a greater range of flexibility on where input files are located; in addition, the programs have write capability, and are able to update definition files such that user-specified manipulations are recorded for future use.

By disclosing only the downloading of an applet as an image processing program, Leone does not teach or suggest the claimed use of a plug-in program with these features, functions and benefits. Furthermore, the Leone alternative embodiment, wherein application 60 and program 80 are applets, requires a download each time that the browser invokes the programs. For larger programs, this is an inconvenience and is inconsistent with some of the objectives of the invention.

According to the present application, each page of information, commonly referred to as a web page or web site, is identified by a Universal Resource Locator ("URL") which identifies the server on which the web site is stored and the location of that particular web site on the server. (See page 6, lines 1-5). A web browser program, on the other hand, is a piece of software

used by a computer to communicate with networks of servers to retrieve and display web pages identified by a particular URL. (See page 6, lines 11-26).

To further reiterate, the present invention provides a program enabling a user to create and print a social expression product (greeting card) at his or her home computer. Claim 10 was previously amended to recite the limitation of means for modifying a browser program on a personal computer of a user to allow the user to edit the defining data within the browser program. As taught in the present application, the means for modifying the browser program is a plug-in which extends the capabilities of the browser to allow the user to download and edit data defining a greeting card within the browser program. The plug-in is a small piece of software loaded into memory by a larger program, i.e., the web browser, that adds a new feature to the browser. (See page 7, lines 9-15). One function of the engine component of the plug-in is to make selected assets, such as design elements defined by the defining data, for a printed product available in the browser such that they can be edited by the user. (See page 9, lines 23-25). Thus, the desired assets are selected by the user from assets stored on the server and downloaded to the user's computer to be customized by the user. Modifying the assets downloaded to the user's computer does not modify the assets selected from the server. The assets that were downloaded and modified by the user remain in their original form on the server for others to download and modify to fit their needs.

The claims define that the program code includes means for modifying a browser program to allow the user to edit the data defining the printable product within the browser program. The claims are clear that the first program is downloaded and installed on the user's computer. (See page 8, lines 16-18). Data defining the selections made by the user over the Internet regarding the decorative designs that are to be assembled on the card are downloaded to the user's computer as an appropriately formatted file, such as a CPT file, for example. (See page 12, lines 1-7). The display, *editing* and assembly of the printable product defined by the downloaded file is to be performed by the plug-in, which is installed on the user's computer. (See page 12, lines 7-8). Neither Rhoads, Finkel or Leone make any mention of modifying the browser program on the user's computer or editing the defining data within the browser program once the defining data is downloaded to the user's computer as defined by claim 10.

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Claim 27 is rejected under 35 U.S.C. 103(a) as unpatentable over Cannon (U.S. Patent No. 5,552,994) and Tsakiris et al. (U.S. Publication No. 2001/0034746). Claim 27 defines each of the attributes of the invention as a system for composition and printing of greeting cards. Claim 27 contains each of the limitations of claims 1-26. The Cannon patent, previously discussed in this prosecution, is an electronic database of greeting card attributes which are selected prior to printing. The Cannon patent is not concerned with and does not teach or suggest editing and scaling of each panel of a greeting card by use of a plug-in program which is downloaded to a web browser. The Tsakiris application describes the generation of "web cards" (web pages which are read by mobile devices), to expedite internet browsing requests with a mobile device by avoiding tedious input and clicking through hyperlinks. The reference to "web cards" has no correlation or relevance to paper "greeting cards" as defined by the subject application. Neither Cannon or Tsakiris teach or suggest the claimed combination of a plug-in program downloaded to a web browser, with the plug-in program including an engine and assembly component for selection and editing of assets of a greeting card, including selected greeting card design elements and asset information for display, editing and printing assembly for all panels of a greeting card, and printing assembly including scaling and resizing for division into greeting card panels for printing, all as defined by claim 27.

Withdrawal of the rejections of the claims for the foregoing reasons is therefore respectfully requested. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 109769.0020.

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Respectfully submitted,

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MAY 18, 2006
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